



OFFICE OF THE STATE PUBLIC DEFENDER STATE OF MONTANA

TEN YEAR FORECAST

The attached worksheet shows the results of the first in a series of many steps to produce a ten year outlook or plan for the agency. It is a base scenario that uses information from the past nine years of the agency's operation (FY 2007 through FY 2015), the current biennium budget (FY 2016 and FY 2017), and certain assumptions, to project what future resources may be needed for the agency to attain its mission. Other scenarios may be prepared based on other assumptions.

FORMAT

The plan uses years of historical case intake and expenditure data beginning with FY 2007 and ending with FY 2015. The ten-year outlook includes two years related to the current biennium (FY 2016 and FY 2017), two years related to the next biennium (FY 2018 and FY 2019), and six additional years that include the time period from FY 2020 through FY 2025.

The plan is segregated into six areas referred to as functions, rather than by program. This was done so that historical case and/or expenditure growth rates can be used to predict future resource needs. The functions are:

- a. Commission and Central Services (provide centralized management and services to all other functions; includes the Commission, the Chief Public Defender, administration, information technology, case management support, training, human resources, contract management, and investigation management);
- b. Criminal District Court cases and costs;
- c. Civil District Court cases and cost;
- d. Courts of Limited Jurisdiction (misdemeanor) cases and costs;
- e. Capital Defense; and
- f. Appellate cases and costs.

The agency operates through programs. However, in this analysis program costs are allocated to the functions that the programs provide.

ASSUMPTIONS

1. The total expenditures in the current biennium (FY 2016 and FY 2017) are based on approved appropriations and allocated among the functions. Actual results may differ materially from estimates due to conditions that are beyond the control of the agency.
2. The estimated expenditures for the 2019 biennium and future years are estimates based on historical expenditures that have been derived by using historical case and expenditure growth data in each function. **In other words, future year amounts are derived using math.** Actual results may differ materially from estimates due to conditions that are beyond the control of the agency.
3. Any future legislative adjustments to employee pay plans are not in any assumption in this model.
4. Expenditures for the Commission/Central Services function were split from the Public Defender Program.

5. Expenditures related to criminal and civil cases are split into separate groups in the Ten Year Forecast. This was done to show the impact of civil cases on the agency's total expenditures.
6. Historical District Court Criminal costs contain DC, DJ, DN, DI, and DG costs. As noted above, the Ten Year Forecast contains only DC and DJ because this analysis is splitting criminal and civil cases into separate groups. Work is underway to make this split more exact.
7. Historical District Court Civil costs contain only DN costs. As noted above, the Ten Year Forecast contains DN, DI, and DG because this analysis is splitting criminal and civil cases into separate groups. Work is underway to make this split more exact.
8. The Appellate function's past and future expenditures contain DN cases. The agency is studying how to break DN costs out.
9. Expenditures in the Ten Year Plan are derived by taking historical information and applying the following average case and/or expenditure growth rates:
 - a. Commission/Central Services is 2%
 - b. Criminal District Court is 4%
 - c. Civil District Court is 10% – **however, FY 2015 growth was about 30% and FY 2016 is currently expected to be above 20%, both years well above the 10% historical rate.**
 - d. Courts of Limited Jurisdiction is 4%
 - e. Capital defense is 0.0% (historically funded mostly via supplemental funding)
 - f. Appellate is 9%

RESULTS

Given the historical case and/or expenditure trends, the functions' specific fiscal year cost vs total cost changes from FY 2007 through FY 2025 as follows:

- a. Commission/Central Services decreases from 9 to 6% of total cost
- b. Criminal District Court decreases from 48 to 42%
- c. Civil District Court increases from 11 to 24%
- d. Courts of Limited Jurisdiction decreases from 28 to 23%
- e. Capital defense is 0.0% (historically funded mostly via supplemental funding)
- f. Appellate increases from 4 to 6% (however this may change if DN is moved to another function in the forecast)

This information shows that given historical trends, the functions with the most need for future resources are in the Civil and Appellate areas.

Total funding grows from \$35 million in FY 2016 to \$53 million in FY 2025.

NEXT STEPS

The Commission may develop options to address this anticipated future expenditure growth. For example, plans may be developed to limit case intake when agency resources are overburdened; to provide services with a different resource mix; and/or to eliminate work currently assigned to the agency.

For more information call or email Harry Freebourn at 406-496-6084 or hfreebourn@mt.gov.